

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:04-CV-735-BO

CHUKWUMA E. AZUBUKO,)
 Plaintiff,)
))
 v.)
))
THE UNITED STATES DISTRICT)
COURT, NORTHERN DISTRICT OF)
GEORGIA AND THE ELEVENTH)
CIRCUIT,)
 Defendants.)

ORDER

This matter is before the Court on Plaintiff Chukwuma Azubuko's Motion for Relief from Judgment [DE 44] pursuant to Federal Rule of Civil Procedure 60(b)(4), or in the alternative, 60(b)(6). Mr. Azubuko alleges that he is entitled to relief from this Court's order of July 26, 2005, dismissing his complaint in conformity with Federal Rules of Civil Procedure 4(m) and 12(b)(5). Motions filed pursuant to Rule 60(b) must be made "within a reasonable time." Fed. R. Civ. P. 60(c)(1). Prior to the instant Motion, no action had been taken in this case since the Fourth Circuit's mandate issued on August 22, 2007, affirming this Court's judgment. Mr. Azubuko has not provided any reason why he could not have filed this Motion within the preceding four years. Therefore, Mr. Azubuko's motion is DENIED as untimely.

CONCLUSION

For the foregoing reasons, Defendant's Motion for Relief from Judgment [DE 44] is
DENIED.

SO ORDERED. This 7 day of November, 2011.

A handwritten signature in black ink, appearing to read "Terrence Boyle", is written over a horizontal line.

TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE